

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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JUN 15 2004

In re Application of: )  
David WALLACH et al )  
Appln. No.: 09/445,223 )  
Filed: December 6, 1999 )  
For: MODULATION OF INTRACELLULAR )  
INFLAMMATION, CELL DEATH, AND )  
CELL SURVIVAL PATHWAYS )

ATTY.'S DOCKET: WALLACH=24  
Conf. No.: 9660  
Art Unit: 1642  
Examiner: M.T. Davis  
Washington, D.C.  
June 15, 2004  
**BY TELEFACSIMILE**

**OFFICIAL**

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop AF  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated January 15, 2004, of the Primary Examiner. The claims appealed are claims 5-8, 11, 23, 24, 44-48 and 51-54.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

- XXX \$330.00
- \_\_\_\_\_ \$165.00 (small entity)
- \_\_\_\_\_ Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity Response Filed Within		Other Than Small Entity Response Filed Within	
[ ]	First - \$ 55.00	[ ]	First - \$ 110.00
[ ]	Second - \$210.00	[X]	Second - \$ 420.00
[ ]	Third - \$475.00	[ ]	Third - \$ 950.00
[ ]	Fourth - \$740.00	[ ]	Fourth - \$1480.00
	month after time period set		month after time period set

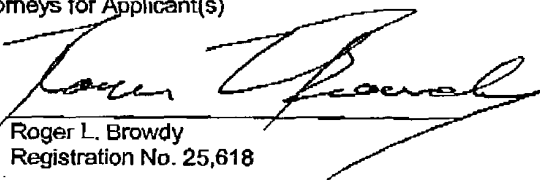
[X] Less fees (\$ 110.00 ) already paid for 1 months extension of time on 5/11/2004.

XXX Please charge my Deposit Account No. 02-4035 \$640.00

Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$\_\_\_\_\_.

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office, 703-872-9306 on the date shown below.

Rae Dethlefsen  
Name

  
Signature

June 15, 2004  
Date